

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1263 of 2022

Arising Out of PS. Case No.-31 Year-2021 Thana- SC/ST District- Gaya

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1. RAHUL KUMAR @ CHANDAN KUMAR Son of Late Jitendra Kumar Singh Resident of Village - Ramna Road, Near jain Mandir, P.s.- Civil Line, Distt.- Gaya. Permanent Address- Village - amarpur, P.s.- Gurua, Distt.- Gaya.
 2. Rohit Kumar @ Kundan Kumar Son of Late Jitendra Kumar Singh Resident of Village - Ramna Road, Near jain Mandir, P.s.- Civil Line, Distt.- Gaya. Permanent Address- Village - amarpur, P.s.- Gurua, Distt.- Gaya.
 3. Rani Singh W/o Late Jitendra Kumar Singh Resident of Village - Ramna Road, Near jain Mandir, P.s.- Civil Line, Distt.- Gaya. Permanent Address- Village - amarpur, P.s.- Gurua, Distt.- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Mukesh Das Son of Kuldip Das Resident of Village - Matua, Tola Balapar, P.S.- Gurua, and Distt.- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manish Kumar No. 2, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-12-2022 Heard learned counsel for the appellants and learned Special P.P. Binay Krishna through Virtual Court Proceedings.

Learned counsel for the appellants at the outset seeks permission to withdraw the present appeal with respect to appellant nos. 1 and 2.

Permission is accorded.

Accordingly, the present appeal is permitted to be withdrawn only with respect to appellant nos. 1 and 2.

This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989



(hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for **anticipatory bail** vide order dated 18.02.2022 in A.B.P. No. 3637 of 2021 passed by the learned Exclusive Special Judge S.C./S.T. (POA) Act, Gaya in connection with SC/ST P.S. Case No. 31 of 2021 registered for the offences punishable under Sections 341, 323, 420, 406, 504, 506 and 34 of the Indian Penal Code as well as Sections 3(i)(r)(s) and 3 (2) (v-a) of the SC/ST Act.

Learned counsel for the appellant next submits that appellant no. 3 is a person with clean antecedent and is a woman and the informant alleges that on 25.04.2016 he gave Rs. 2,50,000/- to Jitendra out of Rs. 6,00,000/- for purchasing 93 decimal of land, further it is alleged that Jitendra died, it is next submitted that after the death of Jitendra, his son Rahul asked for Rs. 50,000/- accordingly, the same was also paid and document was prepared, it is next alleged that rest amount was to be paid at the time of executing the sale deed but some dispute arose, it is further alleged that informant was called by the accused persons to their house where he was abused and assaulted.

Learned counsel for the appellant submits that appellant has been falsely implicated in the present case, it is next submitted that from bare perusal of the allegation as alleged in the F.I.R, it would manifest that the dispute is purely civil and even presuming what has been alleged is true without admitting for the purposes of anticipatory bail then the entire occurrence took place at the house



of the accused persons and thus was not in public view as such no offence under SC/ST Act is made out.

Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellant.

In view of the submissions made by the learned counsel for the appellant, the order dated 18.02.2022 in A.B.P. No. 3637 of 2021 passed by the learned Exclusive Special Judge S.C./S.T. (POA) Act, Gaya in connection with SC/ST P.S Case No. 31 of 2021 is hereby set aside and the appellant above-named, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with SC/ST P.S. Case No. 31 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the appeal stands allowed.

(Satyavrat Verma, J)

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